

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ERNEST J JACKSON,

Plaintiff,

v.

GEORGE MICHEAL NEILL, et al.,

Defendants.

Case No. 17-cv-07043 NC

**ORDER TO SHOW CAUSE  
REGARDING DIVERSITY  
JURISDICTION**

Re: Dkt. No. 1

Defendants George Micheal Neill and RMR Financial, LLC (dba First Capital) removed this case from California state court on the basis of diversity jurisdiction. Dkt. No. 1 at 2. It is the Court's duty to examine whether it has subject matter jurisdiction over any case before it.

Federal courts are courts of limited jurisdiction and are presumptively without jurisdiction. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). The defendant has the burden of showing removal of a state court action to federal court is appropriate. *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992). Removal of a state court action to federal court is appropriate only if the federal court would have had original subject matter jurisdiction over the suit. 28 U.S.C. § 1441(a).

It is not clear that diversity of citizenship exists here, and so the existence of subject matter jurisdiction is uncertain. This is because defendant RMR Financial is a limited liability company, and the citizenship of each member of the company must be considered

Case No. 17-cv-07043 NC

1 in the diversity analysis. *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195 (1990); *Johnson v.*  
2 *Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). RMR Financial  
3 did not inform the Court of the citizenship of each of the LLC's members. Thus, the Court  
4 ORDERS RMR Financial, LLC to SHOW CAUSE why the Court has subject matter  
5 jurisdiction over this case. RMR Financial must file a response to this order by December  
6 29, 2017. That response may not exceed 5 pages in length. Both parties have not yet  
7 consented to nor declined the jurisdiction of a magistrate judge. 28 U.S.C. § 636(c). For  
8 this reason, if RMR Financial does not respond to this order, the Court will order this case  
9 transferred to a district court judge with the recommendation that this case be remanded to  
10 California state court.

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12 **IT IS SO ORDERED.**

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14 Dated: December 18, 2017

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NATHANAEL M. COUSINS  
United States Magistrate Judge